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ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Letter dated 14 October 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia addressed to the Secretary-General

I am writing to you concerning the statement made by the Permanent Representative of Ecuador in the Third Committee on 11 October 1994, on the agenda item entitled "Elimination of racism and racial discrimination". Regarding the part of this statement concerning the report of the Committee on the Elimination of Racial Discrimination (A/49/18), upon instructions of my Government, I have the honour to state the following.

The representative of Ecuador stated that the Committee on the Elimination of Racial Discrimination (CERD) dispatched a three-member mission to Yugoslavia. The report of the mission was examined, particularly the attitude of the Government of Yugoslavia, namely, its refusal to cooperate since it has not been allowed to participate in the meeting of the States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

As has been stated in the letter from H.E. Mr. Vladislav Jovanović, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to the Chairman of the Fifth Meeting of Chairpersons of Human Rights Treaty Bodies (A/49/426, annex), the decision adopted at the meeting held at Geneva on 17 January 1994 was in direct contravention of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the general norms of international law on treaties. Such a practice constitutes a dangerous precedent being created under the auspices of the United Nations, which may have far-reaching effects. In the aide-mémoire submitted on that occasion to the Secretary-General (CERD/SP/50), the Government of the Federal Republic of Yugoslavia expressed its readiness to respect all its commitments under the international instruments to which it is a

party. At the same time, it underlined that it was impossible to separate obligations from rights which should be equal for all Member States. It is highly inappropriate to require that the Government of the Federal Republic of Yugoslavia, a State Party to the Convention, honour its obligations and implement the national Convention on the Elimination of All Forms of Racial Discrimination while denying it the basic right, granted at the same time to all other States Parties, to participate in the meetings of the States Parties to the said Convention.

In his statement, the representative of Ecuador also said that CERD considered that Yugoslavia was still a State Party to the Convention and, above all else, that it was needed to protect the population in Kosovo which is being discriminated against. He pointed out that CERD asked its Chairman to continue the dialogue with the Government of Yugoslavia in order to obtain its cooperation in continued efforts to seek better conditions in education and health for the population of Kosovo.

In that respect, it should be noted that the Federal Republic of Yugoslavia is a civic State where all its citizens enjoy full equality and protection under the Constitution and laws of the Federal State and its constituent republics, which are in compliance with international instruments in this field. Kosovo and Metohija, as an integral part of the Republic of Serbia and of the Federal Republic of Yugoslavia, as well as its population, are in no way discriminated against.

I would like to reiterate the readiness of the Government of the Federal Republic of Yugoslavia to cooperate fully with treaty bodies in the field of human rights, on the basis of equality and mutual respect.

I should be grateful if you would have the present letter circulated as an official document of the General Assembly under agenda item 93.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.